

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TRACY D. DENNIS,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. 2:12-CV-00186

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

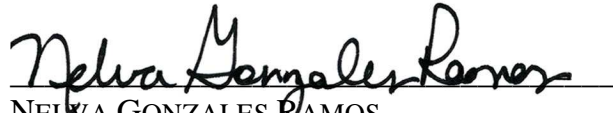
On May 10, 2013, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation” (D.E. 23), recommending that this Court deny Petitioner’s Motion for Reconsideration (D.E. 22), construed as a motion for relief from judgment under Fed. R. Civ. P. 60(b). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 23), and all other relevant

documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Motion for Reconsideration (D.E. 22) is **DENIED WITHOUT PREJUDICE** because the claim is second or successive. In the event that the Petitioner seeks a Certificate of Appealability, that request is **DENIED**.

ORDERED this 5th day of June, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE